

REMARKS

In response to the Office Action mailed May 11, 2005, Applicants respectfully request reconsideration. To further the prosecution of this Application, Applicants submit the following remarks, and have added new claims. The claims as now presented are believed to be in allowable condition.

Claims 1-12 were pending in this Application. Claims 13 and 14 have been added. Accordingly, claims 1-14 are now pending in this Application. Claims 1, 7, 13 and 14 are independent claims.

Rejections under §102

Claims 1-12 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,704,874 to Porras et al. (hereinafter Porras).

Porras discloses a network-based alert management system wherein alerts are received from network sensors, alerts that are indicative of a common incident are consolidated and an output reflecting the consolidated alerts is produced.

Claim 1 has been amended to recite that the method takes place during operation of a test tool, that the assigning of the data types and the assigning of the data streams takes place prior to operation of the test tool , that the test tool is then run and that the resulting messages are delivered in accordance with the assigning of the data types and data streams. Support for this change to claim 1 can be found throughout the specification, for example at page 3, line 6 through page 4, line 30.

Porras is not used during operation of a test tool, as Porras provides real-time alerts during normal system operation. Since Porras is not used during operation of a test tool, data types cannot be assigned prior to operation of the test tool. Similarly, data streams cannot be assigned prior to the operation of the test tool as well. As a test tool is not run in Porras, there is no message delivery as a result of the test tool being run.

For the reasons stated above, claim 1 patentably distinguishes over the cited prior art, and the rejection of claim 1 under 35 U.S.C. §102(e) should be withdrawn. Accordingly, claim 1 is now in allowable condition. Claim 7 has been amended in a similar fashion as claim 1 and is believed allowable for the same reasons as claim 1. Claims 13 and 14 have been added and contain similar language as claim 1 and are therefore believed allowable for the same reasons as claim 1.

Because claims 2-6 and 8-11 depend from and further limit claim 1 or claim 7, claims 2-6 and 8-12 are in allowable condition for at least the same reasons.

Newly Added Claims

Claims 13 and 14 have been added and are believed to be in allowable condition. Support for claims 13 and 14 is provided within the Specification, for example, on page 3, line 6 through page 4 line 30. No new matter has been added.

Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

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Attorney Docket No.: EMP04-60

Dated: July 25, 2005